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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,108	02/07/2001	Aaron Demello	44117-118	4451

7590 04/21/2005
McDERMOTT, WILL & EMERY
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EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,108

Applicant(s)

DEMELLO ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This Office Action is in response to the Amendment filed on 03/23/2005. Claims 1-49 are canceled without prejudice or disclaimer. Claims 50-72 have been added as new claims. Claims 50-72 remain for examination.

Drawings

2. The drawing of Fig. 3 is objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: ***Mobile Location Gateways (MLG) 17 as mentioned in the specification, page 16, lines 15-27.***

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 50, 63, 65 and 67 are objected to because of the following informalities:
 - a. Claim 50, line 9: "(d) identifying profiled groups of said terminals ..." should be "(d) identifying profiled groups of said wireless terminals ..."
 - b. Claim 63, line 9: "Profilium Server ..." should be "Profiling Server ..."
 - c. Claim 65, line 1: "..., wherein Mediation Server ..." should be "..., wherein said Mediation Server ..."
 - d. Claim 67, line 1: "..., wherein Mediation Server ..." should be "..., wherein said Mediation Server ..."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claim 61 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**
6. Claim 61 recites the limitation "**said anonymous identifier**" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. **Claims 50-57, 59 and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Sheynblat et al. (US 6,677,894), hereinafter referred as Sheynblat.**

9. As to claim 50, Sheynblat teaches a method for identifying and profiling wireless terminals, comprising:

(a) obtaining network data related to said communications activities of said wireless terminals (*the Web server may determine information about the location of the*

client based on a particular cell site location, a particular telephone number) (Sheynblat, C20:L57 – C21:L4);

(b) tracking location of wireless terminals using said network data to generate location history of said wireless terminals (*the Web server or other device may use the location of the client to derive representations of cellular use demographics, such as time and place of calls, location-based and/or time-based distributions, etc.*) (Sheynblat, C21: L23-35);

(c) compiling profiling rules comprised of combination of timeframes and locations (*the presentations of cellular use demographics, such as time and place of calls maybe useful for advertising, user profiling, etc.*) (Sheynblat, C21: L23-37);

(d) identifying profiled groups of said wireless terminals by correlating said profiling rules with said location history (*the Web server may display the locations of various mobile GPS receivers/users with time tags, such information maybe used for advertising or users profiling, i.e., group profiling*) (Sheynblat, C21: L23-37);

(e) compiling triggering conditions comprised of combination of timeframes and places of anticipated presence of said wireless terminals (*a system receiving location-based information may use this information to decide if a particular service is allowed at the client's present location and/of time*) (Sheynblat, C21: L35-44); and

(f) identifying at least one group of wireless terminals by correlating triggering conditions with current location of said profiled groups of wireless terminals (*based on the derived representations of cellular use demographics, such as time and place of calls, location-based and/or time-based distributions, of various mobile GPS users, a*

system receiving location-based information may use this information to decide if a particular service is allowed at the client's present location and/of time, and/or a location or time of interest) (Sheynblat, C21: L23-44).

10. As to claim 51, Sheynblat teaches the method of claim 50, wherein the step of identifying a group is unrelated to the step of tracking location (*the step of identifying a group based on the derived representations of cellular use demographics while the step of tracking location based on a particular cell site location, time of log-on/call, etc.*) (Sheynblat, C20:L57 - C21:L44).

11. As to claim 52, Sheynblat teaches the method of claim 50, wherein the step of compiling triggering conditions is unrelated to the step of compiling profiling rules (*the step of compiling triggering conditions based on the derived representations of cellular use demographics while the step of tracking location based on a particular cell site location, time of log-on/call, etc.*) (Sheynblat, C20:L57 - C21:L44).

12. As to claim 53, Sheynblat teaches the method of claim 50, wherein the step of obtaining, tracking and identifying at least one group are performed in real-time (*in response to receiving information relating to the location of the client based on place and time of log-on/call, i.e., in real-time, the Web server provides location-based information to the client as mentioned in Table 1 such as traffic information, weather, routing information, road maps, etc.*) (Sheynblat, Table 1, C21: L5-44).

13. As to claim 54, Sheynblat teaches the method of claim 50, wherein steps of obtaining and tracking are performed repeatedly over a period of time (*the Web server or other device may use the location of the client to derive representations of cellular use demographics, such as time and place of calls, location-based and/or time-based distributions, etc., i.e., repeatedly over a period of time*) (Sheynblat, C21: L23-35).

14. As to claim 55, Sheynblat teaches the method of claim 50, wherein said network data include measurement reports, periodic registration updates, power on and power off registrations, call terminations and call originations, SMS terminations and originations, handoffs (*the Web server or other device may determine information about the location of the client based on a particular cell site location, a particular telephone number, time of log-on/call, time and place of calls, location-based and time-based distributions, etc.*) (Sheynblat, C20:L57 – C21:L44).

15. As to claims 56-57, Sheynblat teaches the method of claim 50, wherein said step of obtaining includes associating of the network data with a unique identifier of the wireless terminal (*a mobile unit 72, which is typically a "location enabled" mobile unit, may provide a mobile identification number "MIN"*) (Sheynblat, C21: L50-56).

16. As to claim 59, Sheynblat teaches the method of claim 50, wherein said step of tracking location includes determining location of wireless terminals using information

contained in said network data such as Cell ID and radio transmission parameters *(using a particular cell site location/ID and pseudo ranges)* (Sheynblat, C21: L50-56).

17. As to claim 62, Sheynblat teaches the method of claim 50, wherein the step of obtaining is performed passively without interaction with said communications activities *(the client may provide information indicative of its location by entering values to indicate the position of the client and/or request and upload of GPS-related measurement, data, etc.)* (Sheynblat, C20: L57-64).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 58 and 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheynblat, in view of Pettovello (US 6,449,621).

20. As to claim 58, Sheynblat teaches the method of claim 56 but does not explicitly teach the step of converting said unique identifier into an anonymous identifier that has a low correlation with one or more of said set of wireless terminal identifiers or a combination thereof.

In a related art, Pettovello teaches a privacy data escrow system and method, wherein an escrow agent 16 creates a universal anonymous identifier (*an anonymous identifier*) for substituting a scrambled person identifier (*the unique identifier*) and once substituted, all data belonging to a person stored in the database 20 are identified by or associated with the same unique universal anonymous identifier (*i.e., creating a record of said data associated with said anonymous identifier*) (Pettovello, C3:L60 - C4:L8).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Sheynblat and Pettovello to include the step of converting said unique identifier into an anonymous identifier that has a low correlation with one or more of said set of wireless terminal identifiers or a combination thereof since such methods were conventionally employed in the art to maintain/protect the confidentiality of privacy, personal identification data such as name, address, email, telephone numbers, personal financial/demographic data of the user by generating an anonymous identifier to substitute for the user unique identifier.

21. As to claim 60, Sheynblat-Pettovello teaches the method of claim 58, further comprising the step of associating said anonymous identifier with location positioning of corresponding said wireless terminal and time of said location positioning (*the Wireless Mobile Location Data and the Date and Time Data components collected from the wireless transceiver may be used for advertising, customer/user profiles, location-targeted marketing, location-based billing, etc.*) (Sheynblat, C20: L15-31).

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22. As to claim 61, Sheynblat-Pettovello teaches the method of claim 50, wherein said step of creating comprises placing said data associated with said anonymous identifier into a database (*all data belonging to a person are identified or associated with the same unique universal anonymous identifier stored in database 20*) (Pettovello, C3: L60-67 and C4: L1-8).

23. Claims 63-72 are corresponding system claims of method claims 50-62; therefore, they are rejected under the same rationale.

24. Applicant's arguments as well as request for reconsideration filed on 03/23/2005 have been fully considered but they are moot in view of the new ground(s) of rejection.

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

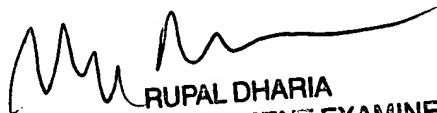
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26. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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